Lab 3

Q1: **U.S. v. Cioffi, 2009**

The Eastern District court of New York defendant Matthew Tannin's had a motion to suppress evidence obtained from his own Gmail account. Ralf Cioffi and Matthew Tannin were both charged with conspiracy, securities fraud and wire fraud. This was in connection with their roles as Bear Sterns hedge fund managers. The Prosecutors obtained a warrant to search Tannin 's personal Gmail account. However, the warrant did not specify what evidence could be taken or what they were looking for. This lead to some major difficulties but then Google delivered a copy of the account to the government. Tannin moved to suppress the evidence as he said it violated his fourth amendment. The District Judge said the warrant was overbroad and did violate the fourth amendment.

The court said the warrant was not particular as to either the items to be sized or to a particular crime. There was no affidavit attached or incorporated into the warrant so the warrant was deemed unconstitutional. The warrant did not merit a "good faith" or "inevitable discovery" as the officer who carried out the search should have known it was too broad. The warrant was based on an affidavit containing useful and particular information about the evidence to be sized and the crime being charged. The warrant did not formally incorporate he affidavit and thus the warrant was to board and did not specify what they were looking for or what crime they were committing. This is how the defence successfully argued the evidence that was gathered against them.

Q2: **U.S. v. Paul V. Burdulis**

Burdulis first argues that the warrant to search both his home and the devices he has violated the fourth amendment because they did not have probable cause. He said they had no reason to believe he committed any crimes because the warrant was too board. In his motion to suppress the evidence against him, the District Court then denied the motion. Burdulis gave a note with his first name, email, and number to a boy of 13 at a golf course. Burdulis was already a registered sex offender and a detective created an email to communicate with Burdulis as the young boy. Over four days Burdulis sent 30 emails asking the boy for "naughty pics" and sending nude pictures of himself. Some of the emails said "maybe sometime you would join me in a bubble bath?" , "if we get together again maybe I could give you a present:)". The police had probable cause to believe Burdulis committed the crime of dissemination of matter harmful to minors when he sent the boy naked pictures exposing himself. Burdulis also argues that even if the police did have probable cause the warrant was too board "any computer data file containing information regarding the creation and maintaining of pornographic material".

The officers submitted Burdulis own statements that indicate he did in fact intend to send pornographic material to the young boy. These statements combined with the fact that Burdulis had already sent an image that is harmful to minors to the court, created a probable cause to search Burdulis digital devices. This supports the evidence that Burdulis possessed pornography and supports the conclusion he was going to send it to the young boy. The court saw no basis for the court to deny the motion to supress the evidence. All of these facts and statements led to the court dismissing the motion to supress and lead to Burdulis conviction by a jury where he was sentenced to 108 months in prison.